

REMARKS

The present application was filed on September 12, 2003 with claims 1-27. Claims 25 and 26 were cancelled and claim 28 was added in the Amendment and Response to Office Action dated April 11, 2005. Claims 1-24, 27, and 28 are presently pending in the above-
5 identified patent application.

In the outstanding Office Action, the Examiner rejected claims 1, 9, 13, 14, 16, 19, 22-24, and 27 under 35 U.S.C. § 102(e) as allegedly unpatentable over U.S. Patent No. 6,774,032 issued to Park (hereinafter “Park”). The Examiner further rejected claims 15 and 17 under 35 U.S.C. §103(a) as allegedly unpatentable over Park. The Examiner also rejected claim
10 10 under 35 U.S.C. §103(a) as allegedly unpatentable over Park in view of U.S. Patent No. 6,245,640 issued to Claussen et al. (hereinafter “Claussen”) or U.S. Patent No. 6,828,259 issued to Fisher et al. (hereinafter “Fisher”) or U.S. Patent No. 5,854,503 issued to Hsueh et al. (hereinafter “Hsueh”). The Examiner objected to claims 2-8, 11, 12, 18, 20 and 21 as being dependent upon a rejected base claim, but indicated the cited claims would be allowable if
15 rewritten in independent form.

As highlighted above, the Examiner rejected claims 1, 9, 13, 14, 16, 19, 22-24, and 27 under 35 U.S.C. § 102(e) as allegedly unpatentable over Park. In the present Office Action, the Examiner asserts that the evidence submitted in the affidavits to remove Park as a reference is insufficient to establish diligence from a date prior to the date of reduction to
20 practice of the Park reference to either a constructive reduction to practice or an actual reduction to practice. The Examiner further asserts that the date in Exhibit 1 does not show the date before the effective date of the Park reference.

Applicants note that the version of Exhibit 1 submitted in the previous response contained the date the document was printed and *not* the date the document was created.
25 Applicants are submitting a version of Exhibit 1 that contains the creation date. Applicants are also submitting additional documentation to establish diligence from a date prior to the date of reduction to practice of the Park reference to the constructive reduction to practice, as identified in the affidavit under 37 C.F.R. 1.13 submitted herewith.

Applicants respectfully submit that the affidavits attached hereto remove Park as a reference at least with regard to independent claims 1 and 27, from which claims 9, 13, 14, 16, 19 and 22-24 depend. Consequently, Applicants respectfully request withdrawal of the rejections.

5 As also highlighted above, the Examiner rejected claims 15 and 17 under 35 U.S.C. §103(a) as allegedly unpatentable over Park and claim 10 under 35 U.S.C. §103(a) as allegedly unpatentable over Park in view of Claussen, Fisher or Hsueh. Since, as stated above, Park has been removed as a reference at least with regard to independent claim 1, from which claims 10, 15 and 17 ultimately depend, withdrawal of the rejections is respectfully requested.

10 All of the pending claims, i.e., claims 1-24, 27 and 28, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

15 The Examiner's attention to this matter is appreciated.

Respectfully submitted,


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